

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35419 of 2022

Arising Out of PS. Case No.-649 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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ROCKY @ RAJIV KUMAR Son of Subodh Singh Resident of Village -
Dhaurahi Tola, Achari Sthan, Ward No.20, P.s.- Mokama, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Mufassil P.S. Case No. 649 of 2021 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 315 litres Indian made foreign liquor from Indigo and

Renault cars in question. The petitioner is alleged to be driver of

Renault car from which 225 litres illicit liquor has been

recovered and he is apprehended on spot.



Learned counsel for the petitioner submits that petitioner is in custody since 29.12.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has no concern with regard to alleged recovered liquor. The petitioner has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. - II-cum-Special Judge, Excise Act, Begusarai in connection with Muffasil P.S. Case No. 649 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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